



Rep. La Shawn K. Ford

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09900HB1432ham001

LRB099 05927 RLC 31374 a

1 AMENDMENT TO HOUSE BILL 1432

2 AMENDMENT NO. _____. Amend House Bill 1432 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Cannabis Control Act is amended by changing
5 Sections 4 and 10.2 as follows:

6 (720 ILCS 550/4) (from Ch. 56 1/2, par. 704)

7 Sec. 4. It is unlawful for any person knowingly to possess
8 cannabis. Any person who violates this section with respect to:

9 (a) not more than 30 ~~2.5~~ grams of any substance
10 containing cannabis is guilty of a petty offense and shall
11 be fined \$100 for a first offense, \$200 for a second
12 offense, and \$300 for a third or subsequent offense and
13 ordered by the court to perform 20 hours of community
14 service at a drug-abuse treatment center licensed by the
15 Department of Human Services under the Alcoholism and Other
16 Drug Abuse and Dependency Act ~~Class C misdemeanor;~~

1 (b) (blank); ~~more than 2.5 grams but not more than 10~~
2 ~~grams of any substance containing cannabis is guilty of a~~
3 ~~Class B misdemeanor;~~

4 (c) (blank); ~~more than 10 grams but not more than 30~~
5 ~~grams of any substance containing cannabis is guilty of a~~
6 ~~Class A misdemeanor; provided, that if any offense under~~
7 ~~this subsection (c) is a subsequent offense, the offender~~
8 ~~shall be guilty of a Class 4 felony;~~

9 (d) more than 30 grams but not more than 500 grams of
10 any substance containing cannabis is guilty of a Class 4
11 felony; provided that if any offense under this subsection
12 (d) is a subsequent offense, the offender shall be guilty
13 of a Class 3 felony;

14 (e) more than 500 grams but not more than 2,000 grams
15 of any substance containing cannabis is guilty of a Class 3
16 felony;

17 (f) more than 2,000 grams but not more than 5,000 grams
18 of any substance containing cannabis is guilty of a Class 2
19 felony;

20 (g) more than 5,000 grams of any substance containing
21 cannabis is guilty of a Class 1 felony.

22 (Source: P.A. 90-397, eff. 8-15-97.)

23 (720 ILCS 550/10.2) (from Ch. 56 1/2, par. 710.2)

24 Sec. 10.2. Allocation of fines.

25 (a) If the seizure was made by State law enforcement

1 personnel, 6 1/4% ~~Twelve and one-half percent~~ of all amounts
2 collected as fines pursuant to the provisions of this Act shall
3 be paid into the Youth Drug Abuse Prevention Fund, which is
4 hereby created in the State treasury, to be used by the
5 Department of Human Services for the funding of programs and
6 services for drug-abuse treatment, and prevention and
7 education services, for juveniles.

8 (a-5) If the seizure was made by State law enforcement
9 personnel, 6 1/4% of all amounts collected as fines under the
10 provisions of this Act shall be paid into the Drug Treatment
11 Fund, to be used by the Department of Human Services for the
12 funding of programs and services for drug-abuse treatment,
13 prevention and education services, for adults.

14 (b) Eighty-seven and one-half percent of the proceeds of
15 all fines received under the provisions of this Act shall be
16 transmitted to and deposited in the treasurer's office at the
17 level of government as follows:

18 (1) (Blank). ~~If such seizure was made by a combination~~
19 ~~of law enforcement personnel representing differing units~~
20 ~~of local government, the court levying the fine shall~~
21 ~~equitably allocate 50% of the fine among these units of~~
22 ~~local government and shall allocate 37 1/2% to the county~~
23 ~~general corporate fund. In the event that the seizure was~~
24 ~~made by law enforcement personnel representing a unit of~~
25 ~~local government from a municipality where the number of~~
26 ~~inhabitants exceeds 2 million in population, the court~~

1 ~~levying the fine shall allocate 87 1/2% of the fine to that~~
2 ~~unit of local government. If the seizure was made by a~~
3 ~~combination of law enforcement personnel representing~~
4 ~~differing units of local government, and at least one of~~
5 ~~those units represents a municipality where the number of~~
6 ~~inhabitants exceeds 2 million in population, the court~~
7 ~~shall equitably allocate 87 1/2% of the proceeds of the~~
8 ~~finer received among the differing units of local~~
9 ~~government.~~

10 (2) If the ~~such~~ seizure was made by State law
11 enforcement personnel, then the court shall allocate 37
12 1/2% to the State treasury and 50% to the county general
13 corporate fund.

14 (3) (Blank). ~~If a State law enforcement agency in~~
15 ~~combination with a law enforcement agency or agencies of a~~
16 ~~unit or units of local government conducted the seizure,~~
17 ~~the court shall equitably allocate 37 1/2% of the fines to~~
18 ~~or among the law enforcement agency or agencies of the unit~~
19 ~~or units of local government which conducted the seizure~~
20 ~~and shall allocate 50% to the county general corporate~~
21 ~~fund.~~

22 (b-5) If the seizure was made by a combination of law
23 enforcement personnel representing different units of local
24 government, the court levying the fine shall equitably allocate
25 50% of the fine among these units of local government and shall
26 allocate 37 1/2% to the county general corporate fund. Six and

1 one-quarter percent shall be paid into the Youth Drug Abuse
2 Prevention Fund and 6 1/4% shall be paid into the Drug
3 Treatment Fund. In the event that the seizure was made by law
4 enforcement personnel representing a unit of local government
5 from a municipality where the number of inhabitants exceeds
6 2,000,000 in population, the court levying the fine shall
7 allocate 87 1/2% of the fine to that unit of local government.
8 Six and one-quarter percent shall be paid into the Youth Drug
9 Abuse Prevention Fund and 6 1/4% shall be paid into the Drug
10 Treatment Fund. If the seizure was made by a combination of law
11 enforcement personnel representing different units of local
12 government, and at least one of those units represents a
13 municipality where the number of inhabitants exceeds 2,000,000
14 in population, the court shall equitably allocate 87 1/2% of
15 the proceeds of the fines received among the different units of
16 local government. Six and one-quarter percent shall be paid
17 into the Youth Drug Abuse Prevention Fund and 6 1/4% shall be
18 deposited into the Drug Treatment Fund. If a State law
19 enforcement agency in combination with a law enforcement agency
20 or agencies of a unit or units of local government conducted
21 the seizure, the court shall equitably allocate 50% of the
22 fines to or among the law enforcement agency or agencies of the
23 unit or units of local government which conducted the seizure
24 and shall allocate 50% to the county general corporate fund.

25 (c) The proceeds of all fines allocated to the law
26 enforcement agency or agencies of the unit or units of local

1 government pursuant to subsections ~~subsection~~ (b) and (b-5)
2 shall be made available to that law enforcement agency as
3 expendable receipts for use in the enforcement of laws
4 regulating controlled substances and cannabis. The proceeds of
5 fines awarded to the State treasury shall be deposited in a
6 special fund known as the Drug Traffic Prevention Fund, except
7 that amounts distributed to the Secretary of State shall be
8 deposited into the Secretary of State Evidence Fund to be used
9 as provided in Section 2-115 of the Illinois Vehicle Code.
10 Monies from this fund may be used by the Department of State
11 Police for use in the enforcement of laws regulating controlled
12 substances and cannabis; to satisfy funding provisions of the
13 Intergovernmental Drug Laws Enforcement Act; to defray costs
14 and expenses associated with returning violators of this Act,
15 the Illinois Controlled Substances Act, and the
16 Methamphetamine Control and Community Protection Act only, as
17 provided in such Acts, when punishment of the crime shall be
18 confinement of the criminal in the penitentiary; and all other
19 monies shall be paid into the general revenue fund in the State
20 treasury.

21 (Source: P.A. 94-556, eff. 9-11-05.)

22 Section 99. Effective date. This Act takes effect upon
23 becoming law."